

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking to Continue
Implementation and Administration, and Consider
Further Development, of California Renewables
Portfolio Standard Program.

Rulemaking 15-02-020
(Filed February 26, 2015)

**MOTION OF CONSTELLATION NEWENERGY, INC. FOR LEAVE TO FILE
CONFIDENTIAL MATERIAL UNDER SEAL**

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August 8, 2016

Attorneys for Constellation NewEnergy, Inc.

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Pursuant to Rules 11.1 and 11.4 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure, Constellation NewEnergy, Inc. (“CNE”) moves for leave to file its 2016 Renewable Portfolio Standard Procurement Plan (“2016 RPS Plan”) under seal. In accordance with prior instructions from the Commission Docket Office, the two confidential pages of CNE’s 2016 RPS Plan were tendered under seal in hard copy.

Those portions of CNE’s 2016 RPS Plan identified in Table 1 below are eligible for confidentiality protection pursuant to Decision (D.) 06-06-066, D.08-04-023, and the Matrix of Allowed Confidential Treatment for Electric Service Providers (ESP) Data (ESP Matrix) attached as Appendix B to the latter decision. The data for which CNE requests confidentiality and thereby protection from public disclosure are of the types and correspond to the category (or categories) in the ESP Matrix specified below:

TABLE 1: IDENTIFICATION OF CONFIDENTIAL INFORMATION

2016 RPS Plan Location	Type of Data	Authority / Matrix Category
<p>Appendix A – 2016 Renewable Net Short Calculation, 33% RPS Target, for years 2016-2019, including Compliance Periods 2 and 3 totals.</p> <ul style="list-style-type: none"> • “Bundled Retail Sales Forecast (LTPP)” (Cells M6:Q6, S6, (Variable A)), • “Gross RPS Procurement Quantity Requirement (GWh)” (Cells M8:Q8, S8, (Variable C)), • “Net RPS Procurement Need (GWh)” (Cells M10:Q10, S10, (Variable E)), • “Annual Gross RPS Position (GWh)” (Cells M24:Q24, S24, (Variable Ga)), • “Annual Gross RPS Position (%)” (Cells M25:Q25, S25, (Variable Gb)). 	<p>Retail sales (GWhs) and renewable net short (RNS) position for current year and 3 years of forecast data, and procurement targets for same “window of confidentiality” period.</p>	<p>I – Renewables Portfolio Standard (RPS) Information.</p> <p>A) RPS compliance filings required by CPUC, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) and / or of historical retail sales and supply data (MWh) for prior year would reveal entire net short of ESP.</p> <p>B) Annual RPS compliance filings, by ESP: data redacted because disclosure of first three years of forecast retail sales and resource mix data (MWh) or of historical retail sales and supply data would reveal the entire net short of ESP.</p>

The data for which CNE is claiming confidentiality is not already public. CNE’s customers may be harmed by the loss of confidentiality insofar as members of the public not eligible to review the data as non-market participating parties—primarily other market participants—can use this data to derive detailed estimates of CNE-specific RPS procurement requirements (net short) and CNE’s current compliance position.

Accordingly, CNE respectfully requests that the above identified portions of its 2016 RPS Plan be treated as confidential and protected from public disclosure. CNE requests that the data remain under seal until December 31, 2019. CNE also requests a ruling granting leave to file the confidential portion of its 2016 RPS Plan under seal.

Dated: August 8, 2016

Respectfully submitted,

/s/

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[PROPOSED] RULING

On August 8, 2016, Constellation NewEnergy, Inc., (“CNE”) filed a motion for leave to file certain material under seal. In particular, CNE seeks seal of the confidential portion of its 2016 Renewable Portfolio Standard Procurement Plan (“2016 RPS Plan”).

The data which CNE seeks to seal is eligible for confidentiality protection pursuant to Decision (“D.”) 06-06-066, D.08-04-023, and the Matrix of Allowed Confidential Treatment for Electric Service Provider (ESP) Data (“ESP Matrix”) attached as Appendix B to the latter decision. Therefore, good cause showing, CNE’s motion is granted. The data shall remain sealed until December 31, 2019. The sealed data shall not be made accessible or disclosed to anyone other than the Commission and Commission staff except pursuant to written protective order, or upon further order or ruling of the Commission, the assigned Commissioner, the assigned Administrative Law Judge, or the Administrative Law Judge then designated as the Law and Motion Judge.

Dated _____, 2016 at San Francisco, California.

Administrative Law Judge

VERIFICATION

I am the attorney for Constellation NewEnergy, Inc., (“CNE”) and am authorized to make this verification on its behalf. CNE is absent from the County of Sacramento, California, where I have my office, and I make this verification for that reason. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on August 8, 2016 at Sacramento, California.

/s/

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